THE CITY OF NEW YORK

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November 17, 2020

Honorable Edgardo Ramos
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *D.M. and N.M. obo D.M. v. N.Y.C. Dep't of Educ.*
        20-CV-6851(ER) (OTW)

Dear Judge Ramos:

I am a deputy chief in the General Litigation Division of the office of Corporation Counsel James E. Johnson, attorney for Defendant in the above-referenced action, wherein Plaintiff seeks attorneys' fees, costs and expenses for legal work in connection with both an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, *et seq*. ("IDEA") and this action.

I write to respectfully request a second extension of 45 days in Defendant's time to respond to the Complaint. I apologize for the late request, but I erroneously believed that this matter had been resolved by a paralegal who was overseeing settlement paperwork in this case (to be clear, the responsibility for case-tracking was entirely mine, not the paralegal's), and I did not realize that there was a need for a further adjournment. This is the second request for an extension of the answer deadline, expiring today. I emailed Defendant's adjournment proposal to Mr. Dayan, Plaintiff's counsel, this morning in hopes of obtaining Plaintiff's position, but did not receive a response as of this writing. We have received Plaintiff's fee records and have concluded our review and recommendation for settlement. The need for the extension is permit this Office to complete efforts already under way to obtain authority from the New York City Comptroller to resolve this matter.

On behalf of the Defendant, I again apologize for this late request, and thank Your Honor for giving it consideration.

Very truly yours,

_____/s/_____

Jonathan Pines
Deputy Chief, General Litigation Division

Copy to Counsel by ECF

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